

FINAL BILL REPORT

SSB 5677

C 143 L 09
Synopsis as Enacted

Brief Description: Regarding the dairy nutrient management program.

Sponsors: Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senator Hatfield).

Senate Committee on Agriculture & Rural Economic Development
House Committee on Agriculture & Natural Resources

Background: The Dairy Nutrient Management Act (DNMA) was amended in 2003 and provides that "all powers, duties, and functions of the Department of Ecology are transferred to the Department of Agriculture." That legislation also provides authority for the agencies to enter into a memorandum of understanding that includes administration of federal requirements relating to concentrated animal feeding operations.

Since the effective date of the 2003 legislation, the Washington State Department of Agriculture (WSDA) has been inspecting dairy farms for compliance with the DNMA. In transferring the program, specific authority was not conveyed to WSDA to obtain search warrants if access to conduct an inspection was denied by a dairy operator. If denied, WSDA has to rely on the Department of Ecology's current statutory authority to obtain access.

Dairy nutrient management plans and Natural Resource Conservation Service (NRCS) standards include requirements to apply nutrients within agronomic rates as a means of preventing discharges of nutrients to waters of the state. NRCS requires records of nutrient applications to be maintained for three years. Dairies that hold National Pollution Discharge Elimination System (NPDES) permits are currently required to keep nutrient applications records for five years. To be a violation, current law requires that (1) a discharge occur, and (2) nutrients were applied in excess of agronomic rates. As a means of reducing the potential to pollute, it is proposed that a separate violation be created for failure to maintain records adequate to show that dairy nutrients were applied within acceptable agronomic rates.

Summary: The Department of Agriculture is authorized to enter onto dairy farms at all reasonable times for the purpose of inspecting and investigating conditions relating to pollution of waters. If access is denied, WSDA may apply to court for a search warrant to authorize access to the property and facilities to conduct tests and inspections, to take samples, and to examine records.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

It is a separate violation to fail to maintain records to show that application of nutrients to land were applied within acceptable agronomic rates. This record keeping requirement is lengthened to five years for all dairy farms beginning on July 1, 2011.

Votes on Final Passage:

Senate 46 2

House 97 1

Effective: July 26, 2009